

Serial No.: 10/698,836

REMARKS/ARGUMENTS

Applicants respectfully request reconsideration of this U.S. Patent Application, particularly in view of the above Amendment and the following remarks.

There is no additional fee for this Amendment because the total number of claims does not exceed twenty and the total number of independent claims does not exceed three.

Elections/Restrictions

Applicants affirm the previous election of the invention of Species I, including Claims 31-35. Applicants understand that Claims 36 and 37 have been withdrawn from further consideration by the Examiner, as being drawn to a non-elected invention.

Request for Telephone Interview

Applicants kindly request the Examiner to contact the undersigned, to schedule a telephone interview to discuss the merits of this Patent Application.

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Amendment to Claims

Applicants have amended Claim 31 by adding a limitation for a quick connection for mounting each of the burner assemblies to a bottom wall which at least partially defines a combustion chamber. This Amendment is fully supported in the Specification at Page 17, lines 11-14, and as shown in Fig. 5.

Applicants have amended Claim 34 by adding the limitations of Claim 31. Thus, Applicants believe that Claim 34 is now in independent form.

The above Amendment adds no new matter to this Patent Application.

Claims Rejection - 35 U.S.C. §102

Claims 31 and 35 have been rejected under 35 U.S.C. §102(b), as being anticipated by Brandt et al., U.S. Patent 5,797,358. This rejection is respectfully traversed, particularly in view of the above Amendment and the following remarks.

The Brandt et al. Patent teaches a water heater having two burners 120, each fixedly mounted within a housing. The Brandt et al. Patent neither teaches nor even suggests a quick connection for mounting either of the burners to a bottom wall.

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Contrary to the teachings of the Brandt et al. Patent, Applicants' claimed invention specifically requires a quick connection for mounting each of a plurality of burner assemblies to a bottom wall that at least partially defines a combustion chamber. For this reason, Applicants believe that the above Amendment overcomes the rejection of Claims 31 and 35 under 35 U.S.C. §102(b).

Claims Rejections - 35 U.S.C. §103

Claims 32 and 33 have been rejected under 35 U.S.C. §103(a), as being unpatentable over the Brandt et al. Patent, in view of Bishop, U.S. Patent 189,421. This rejection is respectfully traversed, particularly in view of the above Amendment and the following remarks.

For the same reasons as discussed with respect to independent Claim 31, Applicants believe that Claims 32 and 33 are not taught by the Brandt et al. Patent. Furthermore, the Bishop Patent also does not teach or even suggest a quick connection for mounting each of a plurality of burner assemblies to a bottom wall that at least partially defines a combustion chamber. Thus, Applicants believe that the above Amendment and remarks overcome the rejection of Claims 32 and 33 as being unpatentable over the Brandt et al. Patent in view of the Bishop Patent.

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Claim 34 has been rejected under 35 U.S.C. §103(a), as being unpatentable over the Brandt et al. Patent, in view of Boros et al., U.S. Patent 5,941,200, and further in view of Taylor et al., U.S. Patent 4,397,299. This rejection is respectfully traversed, particularly in view of the above Amendment and the following remarks.

The Boros et al. Patent teaches flange 52 attached to bottom wall 48 with a plurality of screws 64. The Taylor et al. Patent teaches clamp members 72 and 78 that receive ribs 120 to maintain the position of burner 70 with respect to wall 26. Neither the Boros et al. Patent nor the Taylor et al. Patent teaches or even suggests a quick connection for maintaining each of a plurality of burner assemblies to a bottom wall that at least partially defines a combustion chamber. For these reasons, Applicants believe that the above Amendment and remarks overcome the rejection of Claim 34 as being unpatentable over the Brandt et al. Patent and further in view of the Boros et al. Patent and also further in view of the Taylor et al. Patent.

Double Patenting

Claim 34 has been provisionally rejected under the judicially created doctrine of obviousness-type double patenting, as being unpatentable over Claims 23 and 29 of co-pending U.S. Patent Application having Serial No. 10/699,464.

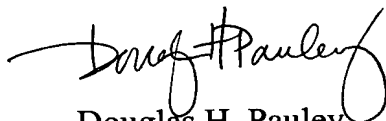
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Applicants elect to respond to this obviousness-type double patenting rejection after the scope of Claim 34 has been finally determined. Furthermore, the conflicting Claims 23 and 29 have not yet been patented.

Conclusion

Applicants believe that the above Amendment and remarks address each and every issue raised by the Examiner and overcome each and every objection and rejection. However, should the Examiner detect any remaining issue, Applicants kindly request the Examiner to contact the undersigned, preferably by telephone, in an effort to expedite examination of this U.S. Divisional Patent Application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Douglas H. Pauley", with a stylized flourish at the end.

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